UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

MRS. SAMUEL E. ALLGOOD, ET AL :
:
VERSUS : C.A. NO. H-91-0158
:
RJ REYNONDS TOBACCO COMPANY, ET AL:

DEPOSITION OF LUTHER B. ALLGOOD
Taken January 14, 1994

REPORTED BY:
Paula D. Tieger, RPR
Certified Court Reporter

COPY

KAREN TYLER REPORTING
205 Louisiana Tower, 401 Edwards Street
Shreveport, Louisiana 71101
(318) 221-0286 • FAX (318) 221-0288
(800) 238-8523

http://legacy.library.ucsf.edu/tid/kor07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

APPEARANCES:

COUNSEL FOR PLAINTIFF:

MR. ALDON D. HOLFORD
Attorney at Law
7515 Kensico
Houston, Texas 77036

COUNSEL FOR RJ REYNOLDS TOBACCO COMPANY:

MR. PETER J. BIERSTEKER
Jones, Day, Reavis & Pogue
Metropolitan Square
1450 G Street, N.W.
Washington, D.C. 20005-2088

COUNSEL FOR THE AMERICAN TOBACCO COMPANY:

MR. DAVID L. WALLACE
Chadbourne & Parke
30 Rockefeller Plaza
New York, New York 10112-0127

MR. T. SCOTT ALLEN, JR.
Cruse, Scott, Henderson & Allen, L.L.P
909 Fannin Street, Suite 1850
Two Houston Center
Houston, Texas 77010-1007

COUNSEL FOR TOBACCO INSTITUTE:

MR. CHARLES E. WATERBURY
Gwinn & Roby
4100 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270

///

///

///

///

///

http://legacy.library.ucsf.edu/tid/kpr07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

S T I P U L A T I O N S

The deposition of Mr. Luther B. Allgood, being taken by counsel for RJ Reynolds Tobacco Company, Mr. Peter J. Biersteker, for all purposes as permitted under the Louisiana Rules of Civil Procedure, pursuant to Notice before Paula D. Tieger, Certified Court Reporter, at Linder's Motor Lodge, Homer, Louisiana, on January 14, 1994; it being agreed and stipulated by and between counsel that all formalities, with the exception of swearing the witness, are waived.

It is further stipulated that the reading and signing of the deposition is waived by counsel and by the deponent.

It is further stipulated that objections except as to the form of the question and responsiveness of the answer are reserved until time of trial.

///

///

///

///

///

///

///

///

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

I N D E X

Page

Examination by Mr. Biersteker.....5

Examination by Mr. Holford.....26

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

///

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

being first duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. BIERSTEKER:

Q Mr. Allgood, would you please state your name for the record?

A Luther B. Allgood.

Q And what is your address, sir? You just moved recently, right?

A Yes. 909 South 3rd, Homer, Louisiana.

Q All right. Mr. Allgood, my name is Peter Biersteker. I am an attorney that represents the the RJ Reynolds Tobacco Company. We are here today to take your deposition. I will be asking you questions, and you will answer to the best of your ability. There is a couple things that is important to try to keep in mind during the deposition. The first is to answer out loud. If you nod your head, the reporter has a hard time taking it down. The second thing is, if two people talk at the same time, it is hard for her to get it down, too, so we have to take turns. If I ask a question you don't understand, just let me know that, and I

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

will ask the question again to try to make it more understandable. The last thing is, of course, you can take a break whenever you want to. You just let us know if you would like to take a break for whatever reason, and both Mr. Holford and I will be glad to accommodate you.

MR. HOLFORD: Absolutely.

Q (By Mr. Biersteker) As to reading and signing the deposition, you have indicated that you don't care to read and sign. The court reporter, nonetheless, is going to send you a copy of the deposition. You can decide then whether you want to read it and sign it or whether you don't want to read and sign it. If you don't want to read and sign it, that is fine. The way it is, is the way it is. Let me ask you first what was your relationship to Samuel Edward Allgood?

A Brother.

Q Did you grow up together?

A Yes.

Q You lived in the same house?

A Yes.

Q Did you all have separate bedrooms, or did you

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

share a bedroom?

A We shared a bedroom.

Q Are you older or younger than your brother?

A Six years older.

Q Approximately how old was your brother the first time you saw him use any tobacco product?

A About six or seven years old.

Q And what tobacco product was he using?

A Those little cigars.

Q Where did he get the little cigar?

A Well, my dad took one out to smoke it, and he said, "How about giving me one", so he did. He thought it would make him sick and that will be the end of that, but, shoot, he smoked it and said, "I could use another one".

Q Did your dad give him cigars after that first one?

A Occasionally.

Q Now, approximately how old was your brother the first time you saw him experiment with a cigarette?

A About seven, I guess, eight.

Q Okay. And was this back in Texas?

A Yes.

Q Were you living in Bay City or Palacios at the

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

time?

A Woodsboro.

Q Who else was present on this occasion when you first saw your brother experiment with a cigarette?

A Well, it is hard for me to remember exactly, but I guess it was my dad.

Q Okay. You and Edward had some step-uncles, right?

A Later on, yes.

Q Okay. Were the step-uncles there?

A No.

Q All right. What happened on this occasion? What kind of cigarette did your brother smoke on this occasion?

A I don't remember.

Q Okay. Was it one that he had to roll up himself, or was it one that you bought from a store all rolled up?

A If it was a roll-your-own, it was Prince Albert, because that is what my dad smoked all his life. It may have been that, too.

Q Did your brother take the cigarette from your dad, or did your dad give it to him?

A He gave it to him.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q Okay. Why did your dad give him the cigarette on that occasion?
A I think he asked for it.
Q Okay. Did your dad say anything to your brother at that time?
A No.
Q Okay. Did there come a later time -- on subsequent occasions did your brother continue to experiment with cigarettes?
A Yes.
Q Okay. And who did he do that with?
A My dad, I guess, mostly.
Q Okay. Did he ever do it with your step-uncles?
A Yes, but that was later on.
Q Okay. How old were your step-uncles in comparison to yourself and your brother?
A Slow Water was about three or four years older, and Dugan and was about the same age, a little bit older but not much.
Q Older than you or older than your brother?
A Older than me.
Q Okay. What were Slow Water and Dugan -- are those nicknames?
A Right.
Q What were their real names?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A Kenneth Arnold and Vernon.
Q Vernon is Dugan, and Kenneth Arnold is Slow Water?
A Right.
Q What were they like?
A They were typical cowboys.
Q All right. Was that steady work for them, or did they do odd jobs from time to time?
A They did odd jobs, but a lot of the times they would go out and stay at this ranch maybe three or four months at a time before coming to town.
Q What do you mean by typical cowboys?
A They stayed on the ranch and rode the horses and worked the cattle.
Q All right. What was your brother's relationship to Slow Water and Dugan?
A He just mingled with them just like any other family would.
Q Okay. Were they close?
A Pretty close.
Q Did your brother spend time with them doing things?
A Sometimes, yes.
Q What kinds of things would your brother do with Slow Water and Dugan?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A He would go with them sometimes to -- well, whenever -- I got to think a little bit about that. It has been a long time ago.

Q Did he ever work with them on the ranch?

A Yes. When they did farm work, he would work with them sometimes, like getting feed all together in spring and summer for the cattle use.

Q Did Slow Water and Dugan sometimes paint things?

A Yes, but you are talking about Slow Water. He painted water tanks and smoke stacks and such as that a whole lot.

Q Did your brother do that with Slow Water?

A He did.

Q You say they painted water tanks and smoke stacks. Would they be way up high when they did that?

A I hadn't seen a water tank yet that was close to the ground.

Q Fair enough. Was it risky work?

A I figured it was.

Q What was Sam's attitude about doing that?

A He loved it.

Q Do you know why he loved it?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A No, I don't. I wouldn't have done it.
Q Did he talk about why he did it?
A He just liked it.
Q Did your father ever find out about your brother's experimenting with cigarettes with Slow Water and Dugan?
A Yes.
Q And do you know how he found out about it?
A No. He would smoke around dad some.
Q Okay. What did your dad do when he saw your brother smoking cigarettes?
A He would just tell him, "You ought not do that" and let it pass on by.
Q Did he tell him why he shouldn't do it?
A He just told him it was against his health.
Q Did your brother listen to your dad when he said that?
A He is hard-headed enough. He didn't listen to nobody much on anything.
Q Did he say anything to your dad when your dad told him it was against his health?
A Not much.
Q Did he say anything at all that you can remember? I know it is a long time ago.
A Occasionally they would carry on a little

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

conversation about it, but not often.

Q I am sorry. They would carry on a little conversation about it, but what?

A Not very often.

Q What would the conversation be like?

A He would just tell him, "You ought not do that, Edward. That is against your health".

Q And what would Edward say, do you remember?

A No, I don't.

Q Okay. Did your Edward disagree with your dad?

A No.

Q Did he seem surprised or puzzled when your dad told him it was against his health to smoke cigarettes?

A No.

Q How old was he the first time you remember your dad talking to him about cigarettes being against his health?

A About eight or nine. That was after my mother and daddy separated and he married Ms. Lillian.

Q Sometimes when kids grow up, they have heroes, like a favorite athlete or race car driver or actor or something like that. Did your brother have any heroes when he was growing up?

A I don't know. I don't remember.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q You mentioned that your father and your biological mother had gotten divorced. Did you see your biological mother from time to time when you were going up?

MR. HOLFORD: Objection. Counsel is assuming facts not in evidence.

Q (By Mr. Biersteker) You mentioned that your mom and dad were divorced. Did you see your biological mother from time to time when you were growing up?

A Yes, occasionally.

Q Would Edward go with you on those occasions?

A Yes.

Q What was your mother's attitude towards smoking?

A She didn't agree with it, but that didn't matter to him.

Q "Him" is your brother?

A Right.

Q Do you remember what she said about smoking to you and Edward?

A You see, my step-dad didn't smoke, and he tried to set an example, I guess, for him to not smoke.

Q What was your step-dad's name?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A William Branch.
Q Did you continue to see your brother after he enlisted in the Navy?
A Yes. Every time he was home on leave, he would come to our house.
Q How often would he get leave?
A At least once a year, sometimes oftener.
Q And how long would he stay when he came?
A The whole leave.
Q And how long would his leave be?
A Anywhere from a month to a month and a half.
Q At the time your brother was coming to visit you with his leave, did he have any problems with his stomach?
A Yes.
Q What kind of problems did he have?
A He had beginning ulcers. He had to take a lot of Maalox.
Q Was there certain foods that didn't agree with him?
A Yes, like chili and such as that.
Q If he ate chili and spicy foods generally --
A Correct.
Q -- would he get sick?
A Yes. I have seen him throw up several times.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q How much Maalox did he take when he was visiting you?
A I don't know. He got it by the big bottle from the Navy.
Q Would he take a little teaspoon full at a time?
A No. He turned the bottle up and take him a slug.
Q Okay. Did your brother ever tell you any stories about when he was in the Navy?
A Like painting yard arms and such as that on the ship, yes.
Q What did he tell you about -- I have never been in the service. Have you been in the service?
A Yes.
Q What were you in?
A Navy.
Q What is the yard arm on a ship?
A You have got the mast where the flags and so forth are, and the yard arm is the cross piece that goes across it. They run the flags up on them.
Q Is that pretty high off the deck?
A It can be.
Q Okay.
A It is covering the ship.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q What did your brother tell you about painting yard arms?

A Chief Bolts was having some trouble with him every time he would paint a yard arm, because he wouldn't wear a safety belt. He would tell him, "Hell, I don't want them things around me. When I fall, I want to get something to hold to instead of that".

Q So your brother didn't want to use the safety line?

A He wouldn't use them.

Q Was this part of his regular duties to go up there and paint?

A No. They would ask. After he found out he had painted water tanks and so forth, they asked him to give them a hand to paint a yard arm or mast or something, yes. "What can I get out of it"? "You can get some extra beer or something like that", and he was right there, then.

Q Okay. Did your brother say anything about the boatsmen complaining to the captain about him not wearing that safety line?

A Yes, but it didn't make no difference. They found out he would do it, and so they asked him to. He is there Johnny-on-the-spot every time.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q They had trouble getting guys to go up and paint the yard arms in the service?

MR. HOLFORD: Objection. No foundation.

Q (By Mr. Biersteker) Did they have trouble in the Navy getting guys to go up and paint the yard arms on ships?

A Yes.

Q Why is that?

A A lot of fellows considered it dangerous and wouldn't do it. I never did. Of course, I wasn't in the deck force.

Q Mr. Allgood, do you smoke?

A No.

Q Do you approve of cigarette smoking?

A No.

Q Did you ever ask your brother not to smoke?

A I knew it wouldn't do any good. No, I didn't ask him not to.

Q Why didn't you think it would do any good?

A Too hard-headed.

Q Are there any other examples that come to mind about how your brother was hard-headed?

A Well, not just right offhand.

Q Okay. Do you drink, Mr. Allgood?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A No.
Q Do you allow drinking in your house?
A No.
Q What would your brother do when he came to visit you when he was on leave?
A He hid his liquor bottle under the chest of drawers. My wife found it, and she told him, she said, "That won't be".
Q What did your brother say?
A He said, "You are a damn good housekeeper".
Q What kind of bottle did he have under the drawers?
A It was a whiskey bottle, bottle of whiskey.
Q Back when your brother was experimenting with cigarettes with your step-uncles, did he also experiment with alcohol then?

MR. HOLFORD: Objection. Counsel mischaracterizing testimony and assuming facts not in evidence.

Q (By Mr. Biersteker) Did your brother also experiment with alcohol when he was experimenting with cigarettes when he was with his step-uncles?
A Yes.
Q What kind of alcohol did they have?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A They just -- whatever was handy they would drink it.
Q What kind of cigarettes did your step-uncles smoke? Do you remember?
A Mostly Bull Durham.
Q That was also the roll-your-own kind?
A Yes. That was the cowboy's favorite, Bull Durham.
Q Why was that?
A I don't know.
Q Did Slow Water and Dugan ever try to get you to smoke?
A No, because they knew I wouldn't.
Q How did they know that?
A I just never would accept it. They said, "Do you want one"? I said, "No. I don't want any".
Q Why didn't you want to smoke?
A I didn't like the smell of it.
Q Do you believe your brother enjoyed smoking?
A He must have.
Q Why do you say that?
A He did quite a bit of it.
Q Did he ever talk about it with you?
A No. He just did it.

http://legacy.library.ucsf.edu/tid/kor07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q Okay. Did he -- how did he act when he smoked?
A Just satisfied.
Q Okay. Did he ever say anything like he enjoyed the taste or helped him relax or anything like that that you remember?
A Yes.
Q What did he say that you can remember?
A Well, he said it relaxed him a whole lot.
Q You mentioned your brother was hard-headed. What does that mean to you?
A He wouldn't take people's advice a lot of the time on different things.
Q Did he pretty much do what he wanted to do?
A Yes.
Q How else would you describe your brother's personality?
A He was easy to get along with and all, but he just had his own ways of doing things, and he wouldn't take a lot of people's advice on things.
Q Okay. What kinds of things would he take advice on? You mentioned smoking already, but what other kinds of things wouldn't he take advice on?

MR. HOLFORD: Objection,

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Counselor. Mischaracterizing testimony and testifying.

Q (By Mr. Biersteker) You can answer, Mr. Allgood. Let me just ask it again. We have talked about smoking. We talked about the safety line. Were there any other examples that come to your mind about your brother not taking advice from people?

MR. HOLFORD: Same objection.

THE WITNESS: Not offhand. I can't think of anything.

Q (By Mr. Biersteker) Was your brother a reasonably intelligent fellow?

A Yes.

Q Did he keep up on what was going on in the world around him?

A Yes.

Q I may be finished.

MR. BIERSTEKER: Why don't we take a little break.

(A brief recess was held)

Q (By Mr. Biersteker) Just a few more questions, then I am done. Just so the record is clear, I wanted to go through something here, and that

http://legacy.library.ucsf.edu/tid/kor07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

is: You are the son of Myron and Georgia Mae Allgood, right?

A Right.

Q Samuel Edward Allgood you refer to as Edward, right?

A Right.

Q He was your brother?

A Right.

Q And you had a sister, too, Marilyn, right?

A Right.

Q And after your mom and dad separated and got divorced, you and your brother lived together, but you didn't live with your sister; is that right?

A That is right.

Q And you lived -- and you were growing up in various towns in Texas, right?

A Right.

Q After you got out of the Navy, you came and lived here in Louisiana, right?

A That is right.

Q Okay. And you got out of the Navy in what year? Was it 1946 or so?

A That is right.

Q Okay. And you lived in Summerfield, Louisiana,

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

right?

A Yes, that is right, but I lived in Minden, first.

Q You lived in Minden first, then you lived in Summerfield?

A No.

Q No. Tell me where you lived after you got out of the Navy.

A I lived in Minden. Then I went to Fort Worth, then to Bossier City, and then to Homer, and then Summerfield.

Q How long did you live in Summerfield?

A Our youngest son was about two years old when we moved out there, and he is thirty something years old now. So we lived out there quite a while.

Q So at least thirty years, maybe more?

A Yes.

Q And you just moved [DELETED] a couple months ago?

A That is right.

Q Okay. How did William Branch set an example for you and your brother about not smoking?

A He just didn't smoke.

Q Did he talk about it at all that you remember?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A No.
Q Okay. What kind of guy was he? Was he a pretty strict guy?
A Apparently, he was. I didn't live with him very much. I wasn't around him very much.
Q Did you ever ask your brother -- try it again. I am sorry. Did your brother continue to eat spicy foods even though it upset his stomach?
A On occasion he would, yes.
Q Did he make any special effort to try to avoid them?
A Sometimes. Not much, though.
Q Did you ever ask him why he didn't stay away from that kind of stuff if it upset his stomach?
A No.
Q Did you ever hear your sister-in-law, Bonnie, complain to Sam, or Edward, about his smoking?
A No. I wasn't around them very much.
Q When you were growing up, did you ever hear of the Tobacco Institute?
A No.
Q Did you ever hear of the Council for Tobacco Research?
A No.

http://legacy.library.ucsf.edu/tid/kpr07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q Did you ever hear of the Tobacco Industry Research Committee?
A No.
Q Did your brother ever, at any time, whether when you were growing up or afterwards, ever mention any of those organizations to you?
A No.
MR. BIERSTEKER: I am finished.
EXAMINATION
BY MR. HOLFORD:
Q Mr. Allgood, I have got 10:31, so you have been at this thirty-one minutes. How are you feeling?
A All right.
Q Okay.
A I am in my chair.
Q You are here in a wheelchair, aren't you?
A Yes.
Q And what is ailing you now?
A Back trouble.
Q Anything else?
A Well, yes. I got an aneurysm.
Q Do you know any more definite term for it for what you have? Did you ever hear your wife

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Source: https://www.industrydocuments.ucsf.edu/docs/hxjl0001

refer to it?

A What are you talking about?

Q Okay. All right. You invite me. I will try. Have you heard the term aortic abdominal aneurysm?

A Yes.

Q Is that what you have?

A Yes.

Q And you just recently got that, right?

A I just recently discovered it, yes.

Q All right.

A My doctor told me, he said, "You ever get any sharp pains in your legs or stomach or anything, get to the hospital".

Q And you haven't had any here this morning, right?

A No. You know what that means, though; the thing's ruptured. That is the first sign of death.

Q All right, sir. Now, you mentioned -- let me back up. What did you call Samuel Edward when you all were growing up?

A Edward.

Q What did you call him when he was visiting after the Navy?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A He is Edward to me.
Q All right. When Edward -- let me start over again. Can you tell me exactly, like, when these stomach problems you were speaking of with Edward first started? Can you tell me the exact time?
A No.
Q Okay. Would you just refer to -- the Navy would have records on that, right?
A I suppose so.
Q Okay. Would you just refer to Sam's Navy records to determine the time when he was having this stomach trouble?

MR. ALLEN: Objection. Calls for speculation and conjecture.

THE WITNESS: I guess so.

Q (By Mr. Holford) You are three years in the Navy yourself, right?
A Yes.
Q If you had some medical problem that came up in the Navy, it would be in your medical record?
A Yes, except I didn't get my back pains in there.
Q If they knew about it, right?

MR. ALLEN: Objection.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Calls for speculation, asked and answered, leading.

Q (By Mr. Holford) Is that right?

A That is right.

Q And do you expect that Sam's stomach problems that you have talked about here today would be reflected in his medical records?

MR. BIERSTEKER: I object. That does call for speculation.

THE WITNESS: I imagine so.

Q (By Mr. Holford) And that record would be more reliable than your memory as to when these things happened?

A Correct.

Q Now, Ms. Lillian and your father, Myron Allgood, were married on August 1st, 1936?

A You know more about that than I do.

Q Does that sound about right?

A About right.

Q Okay. And after they were married, you and Edward lived with them?

A Correct.

Q Okay. And that was initially in Bay City?

A Right.

Q Then you moved to Louisiana for about a year,

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

then back to Palacios?

A Correct.

Q Now, Mr. Allgood, did your father, Myron, have a rolling machine for his loose tobacco?

A Yes. At one time he did, but he always rolled them by hand.

Q At the time he had that machine, did you and Edward roll these cigarettes for him?

A No.

Q You don't remember that?

A No.

Q If Ms. Lillian remembers that, you are going to say she is wrong?

A No.

Q Okay. And if Ms. Lillian remembers -- strike that. Do you remember your father ever smoking Camels?

A No. All I ever remember him smoking was PA.

Q All right. What year did you go into the Navy, about '43?

A Right.

Q Okay.

A I was invited to come into the Navy

Q Now, Edward was -- start over. After the first time that you saw Edward smoke any tobacco from

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

that time he was smoking tobacco.

A He was hooked on it, yes.

Q And so, did he smoke every day?

A I believe he did.

Q Okay. And he was running with his step-uncles?

A Yes, and one that hadn't been mentioned is Hoot.

Q Right, named after his relation, Hoot Gibson?

A Yes. That was a nickname. His name as Charlie, Jr.

Q And Hoot was the youngest?

A Right.

Q Hoot was two years older than Sam, right?

A Right.

Q Now, who was Sam closest to when he was growing up with your father and Ms. Lillian, Hoot or yourself?

A Hoot and Dugan, I guess.

Q All right. Were they more acting like his older brothers than you were, perhaps?

A I guess so.

Q And you would say that -- was he around with them a lot more than he was with you?

A Correct.

Q And one reason is maybe you are interested in

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

machinery and building things, right?
A Right.
Q None of them were too much into that?
A No.
Q Okay. And you are six years older than Edward, so you were kind of off on your own?
A Right.
Q Now, Sam's step-uncles smoked the Bull Durham, right?
A Correct.
Q And did Edward smoke the Bull Durham?
A I believe he did.
Q But he also smoked the Prince Albert, then?
A Right.
Q Is it fair to say he smoked whatever he could slip?
A I would say yes.
Q But would his step-uncles just give him cigarettes?
A Right.
Q Okay. Or at least the tobacco. You had to roll the Bull Durham, didn't you?
A Right.
Q Okay.
A He got pretty good at it.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q Meaning Edward?
A Yes.
Q Okay. Now, let me back up a minute, Mr. Allgood. On August 1st, 1936 how old were you? You are born when?
A '23.
Q What is the day?
A December 25th.
Q Christmas Day?
A Right.
Q How old were you, then, on August 1st, 1936? Would that make you -- were you twelve?
A I believe so.
Q And Edward, then, was six?
A Correct.
Q That was about the time my mother put me and him on the train there in Woodsboro, and we got off in Bay City.
Q And thereafter you lived with Ms. Lillian and Myron?
A Right.
Q Now, about what year -- let me start over. Do you know about what year it was that Edward first visited -- I have got to start over again. When did you marry your wife?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A In '46.
Q Okay. Do you remember your anniversary?
A February the 12th.
Q Had you just got out of the Navy, or were you still in the Navy?
A I had been out about a week or two weeks.
Q All right. And you had -- how long had you known -- may I call her --
A Billie.
Q Okay. How long had you known Billie, roughly?
A Couple of years.
Q All right. When you were in the Navy, between '43 and '46, had you visited the Homer-Minden area?
A Correct.
Q Okay. Is it fair to say you visited Homer-Minden area more than you did Palacios?
A No, about the same, I guess.
Q All right.
A See, I had relatives here, and I came back here to see them.
Q This being your mother, Georgia Mae?
A No.
Q I am sorry. Who are you referring to?
A My uncles and aunts.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q All right. And --
A You see, my mother married my uncle. I mean, my aunt married my uncle, so, therefore, I was related two ways there.
Q Okay. Now, Mr. Allgood, was it on these visits during the Navy time that you met Billie?
A Yes. I started writing her when I was in the Navy, because I wrote to my cousin and told her I would like to write to somebody back here, and so she said, "Do you want to write to my cousin that is in the Navy", and she said, "Well, I may as well", so therefore we started writing to each other.
Q Billie was in the Navy, too?
A No.
Q Okay. Now, you told us where you settled after you got out of the Navy, and that was all with Billie?
A Right.
Q Okay. Now, when was the first time that Edward came to visit you from the Navy? Do you have any recall of that?
A No, I don't.
Q Do you remember where you lived when that happened?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A In Minden, I believe.
Q Do you remember when it was that Edward went into the Navy?
A No, because I was in, and he went in while I was gone, so I don't remember.
Q Okay. Well, if I tell you September 1st, 1947 --
A That sounds about right.
Q Okay. And that is after you and Billie were married?
A Seemed to me like he went in -- he was in the Navy when I got out, I believe.
Q You are saying that is what your memory is today?
A Yes.
Q Okay.
A Hoot had gone in in the meantime.
Q Now, Mr. Allgood, Mr. Andy Brown is Billie's brother?
A Right.
Q And now, if Mr. Andy Brown said that the first time Edward, on leave from the Navy, visited him was in 1949 sometime, does that strike a bell as to when Edward might have been visiting here?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A I guess so.
Q Are you saying you are not real sure?
A Right.
Q Okay. Do you believe -- do you remember when Edward met Andy Brown?
A No.
Q What were you in the Navy?
A Mold machinist first class.
Q And your discharge was honorable?
A Right. Camp Wallace, Texas.
Q Now, the first time you can remember that Edward visited you and Billie from the Navy, you say he stayed with you?
A Yes, pretty well did, yes.
Q I mean -- and you saw how much he smoked?
A Yes.
Q Would you say he smoked more than a pack a day?
A I believe he did.
Q As much as a pack and a half a day?
A Yes. I know when I would come in from work to the house, I would open the door, and I would say, "Edward is here".
Q Did you see Edward -- so, in other words, you could tell when Edward was smoking just by the smell?

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

A Yes.
Q Could you tell when Edward was getting up in the morning, because then you would smell his cigarettes?
A Yes.
Q Do you remember Edward, while sleeping at your house, ever getting up at night to smoke a cigarette?
A No.
Q You might have slept right through it, right?
MR. ALLEN: Objection. Speculation, asked and answered. I am objecting. Conjecture and speculation, asked and answered, leading and assuming facts not in evidence.
THE WITNESS: Well, he slept at one end of the house, and we slept at the other end of the house.
Q (By Mr. Holford) So, if Edward did ever wake up at night to have a cigarette, you wouldn't know about it; is that right?
A Right.
Q Okay.
MR. ALLEN: I object.
MR. HOLFORD: I object to

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

the side bar, Mr. Allen.

MR. ALLEN: I object to the argumentative nature of Mr. Holford's questions.

Q (By Mr. Holford) So, is it fair to say, Mr. Allgood, that as far as you knew about Edward's smoking when you all were growing up together, any cigarettes or rolled tobacco he got was given to him either by his father or his step-uncles?

A Right, until he went to work, and, of course, then he bought his own.

Q All right. When Edward was in the Navy, you had two little girls; is that right?

A Yes.

Q Okay. And did Edward send you all money when he was in the Navy?

A No. He sent them presents, but he didn't send them cash money, no.

Q How about money orders?

A No.

Q I am not talking about sending it to your girls. They were babies, right?

A Right.

Q I am talking about sending it to you and

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Billie.

A Right.

Q Do you recall if he sent you any money?

A No.

Q Okay. When is the last time that you met with any of the lawyers for the tobacco companies, including today?

A Including today?

Q Yes.

A Heck, I don't know. It has been quite a while.

Q Speaking of quite a while, when is the last time that you and I or Billie spoke, other than to discuss this deposition here coming up and your medical? When is the last time that you and I talked, or Billie and I, other than about this upcoming deposition and your medical condition?

A Heck, I don't know. It has been quite a while ago.

Q End of '90, beginning of '91?

A I would presume, yes.

Q Okay. So, can you come any closer than that as to when you talked to any tobacco company lawyer?

A Along about the same time, I guess.

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

Q Do you remember who that was?
A That one (indicating).
Q Mr. Biersteker?
A Yes.
Q And one other. I don't know who he was.
Q All right. Now, when Sam was seven or eight, in that time, you and he both were living with Myron and Ms. Lillian in either Bay City -- strike that. Okay. When Sam was seven or eight, you and Sam Edward were living full time with Myron and Ms. Lillian?
A Right.
Q Who would Sam listen to advice from?
A Lillian, I guess more than anybody else.
Q All right.
///
///
///
///
///
///
///
///
///
///

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Powered by https://www.industrydocuments.ucsf.edu/docs/hxjl0001

MR. HOLFORD: That is all I have.

MR. BIERSTEKER: I have no questions.

MR. HOLFORD: I note it is four minutes to 11:00.

(At this time the witness was excused, and the deposition was concluded)

_____

LUTHER B. ALLGOOD

SUBSCRIBED AND SWORN TO before the undersigned authority on the_____day of_____, 1994.

_____

NOTARY PUBLIC

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001

C E R T I F I C A T E

STATE OF LOUISIANA:

PARISH OF CADDO:

I, Paula D. Tieger, do hereby certify that the said witness came before me at the time and place set forth herein, and after being first duly sworn, was examined and testified as shown; that the deposition was reported by me and thereafter transcribed under my supervision and is a true and correct record of the testimony given by the witness.

I further certify that I am not of counsel or related to or employed by any of the parties to this cause or in any wise interested in the events thereof.

SUBSCRIBED AND SWORN TO this the 1st day of January, 1994.

Paula D Tieger

PAULA D. TIEGER, RPR

CERTIFIED COURT REPORTER

KAREN TYLER REPORTING

205 Louisiana Tower, 401 Edwards Street
Shreveport, Louisiana 71101
(318) 221-0286 • FAX (318) 221-0288
(800) 238-8523

http://legacy.library.ucsf.edu/tid/kqr07a00/pdf
Support https://www.industrydocuments.ucsf.edu/docs/hxjl0001